

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

Defendants.

NO. 2:18-cv-01115-RSL

**STIPULATED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE**

**NOTE FOR CONSIDERATION:  
MARCH 21, 2019**

**I. STIPULATED MOTION**

Pursuant to LCR 7(j) and 10(g), the Plaintiff States and the Federal Defendants submit this stipulated motion to modify the remainder of the summary judgment briefing schedule in light of the Court's March 19, 2019 order (Dkt. # 175).

Under the current briefing schedule (Dkt. # 115 at 2), the Plaintiff States filed a motion for summary judgment on February 15, 2019 (Dkt. # 170), and the Federal Defendants and Private Defendants filed combined oppositions and cross-motions on March 15, 2019 (Dkt. ## 173, 174). Currently, the States' combined replies and oppositions are due on April 5, 2019, and Defendants' replies are due on April 19, 2019. Dkt. # 115 at 2.

On March 19, 2019, the Court issued an order granting the Plaintiff States' Motion to Supplement the Administrative Record, and granted the States leave to take "discovery aimed

1 at establishing whether the pre-July 28, 2018, comments to the NPRMs were directly or  
2 indirectly considered when issuing the temporary modification and letter.” Dkt. # 175 at 7.

3 Pursuant to the order, by April 16, 2019, the Federal Defendants are to:

- 4 • certify that the administrative record has been reviewed and that all  
5 materials considered, directly or indirectly, in making the decision to issue  
6 the July 27, 2018, temporary modification and letter have been produced,  
7 regardless of whether the materials support or are contrary to the decision;  
8 and
- 9 • produce settlement-related communications and materials generated in  
10 Defense Distributed v. U.S. Dep’t of State, C15-0372RP (W.D. Tex.), and  
11 a privilege log for all assertedly privileged documents and materials that  
12 were considered, directly or indirectly, in making the decision to issue the  
13 July 27, 2018, temporary modification and letter.

14 Dkt. # 175 at 8.

15 It is Plaintiffs’ view that the referenced information concerning the administrative  
16 record will be relevant to the pending motions for summary judgment. In light of the Court’s  
17 order, the Plaintiff States and the Federal Defendants request that the remainder of the  
18 summary judgment briefing schedule be modified as follows:

- 19 • The States shall file their combined reply and opposition to the Federal Defendants’  
20 motion by May 10, 2019.
- 21 • The Federal Defendants shall file a reply by May 24, 2019.

22 No party (including the Private Defendants)<sup>1</sup> takes a position on whether the briefing  
23 schedule as to the Private Defendants should also be modified such that the above deadlines  
24 apply to them as well. Unless the Court orders otherwise, the States will file their combined  
25 reply and opposition to the Private Defendants’ motion by April 5, 2019, and the Private  
26 Defendants will file their reply by April 19, 2019, in accordance with the current schedule.

<sup>1</sup> Counsel for the State of Washington conferred with counsel for the Private Defendants via telephone and email on March 21, 2019.

1 DATED this 21st day of March, 2019.

2 ROBERT W. FERGUSON  
3 Attorney General of Washington

4 /s/ Jeffrey Rupert

5 JEFFREY RUPERT, WSBA #45037

6 Division Chief

7 TODD BOWERS, WSBA #25274

8 Deputy Attorney General

9 JEFFREY T. SPRUNG, WSBA #23607

10 KRISTIN BENESKI, WSBA #45478

11 ZACHARY P. JONES, WSBA #44557

12 Assistant Attorneys General

13 JeffreyR2@atg.wa.gov

14 ToddB@atg.wa.gov

15 Jeffs2@atg.wa.gov

16 KristinB1@atg.wa.gov

17 ZachJ@atg.wa.gov

18 *Attorneys for Plaintiff State of Washington*

19 JOSEPH H. HUNT  
20 Assistant Attorney General

21 BRETT A. SHUMATE  
22 Deputy Assistant Attorney General

23 JOHN R. GRIFFITHS  
24 Director, Federal Programs Branch

25 ANTHONY J. COPPOLINO  
26 Deputy Director, Federal Programs Branch

/s/ Stuart J. Robinson

STUART J. ROBINSON

STEVEN A. MYERS

ERIC J. SOSKIN

Trial Attorneys

U.S. Department of Justice

Civil Division, Federal Programs Branch

450 Golden Gate Ave.

San Francisco, CA 94102

(415) 436-6635 (telephone)

(415) 436-6632 (facsimile)

stuart.j.robinson@usdoj.gov

*Attorneys for the Federal Defendants*

II. ORDER

Pursuant to the above stipulation, it is so ordered.

The summary judgment briefing schedule as to the Private Defendants:

\_\_\_\_\_ remains as established in the Case Management Order (Dkt. # 115).

☒ is modified such that the deadlines above apply as to both the Federal Defendants and the Private Defendants.

  
\_\_\_\_\_  
THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE